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4 BILL NO. Z-73-11 -34

5 ZONING ORDINANCE NO. Z-Withdrawn

6 AN ORDINANCE amending the City of Fort
7 Wayne Zoning Map No. JJ2.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
9 FORT WAYNE, INDIANA:

10 SECTION 1. That the area described as follows is
11 hereby designated a B1B district under the terms of Chapter 36,
12 Municipal Codes of the City of Fort Wayne, Indiana, 1946, as
13 amended by General Ordinance No. 2836 and amendments thereof,
14 and the symbols of the City of Fort Wayne Map No. JJ2 referred
15 to therein, established by Section 9, Article III of said
16 Chapter as amended are hereby changed accordingly, to-wit:

"B4" DISTRICT

Lots 6 and 7, Beerman's Addition to the City of Fort Wayne,
Indiana, according to the plat thereof, recorded in Plat
Record 16, page 99 in the Office of the Recorder of Allen
County, Indiana.

"B1B" DISTRICT

Lot 8, Beerman's Addition to the City of Fort Wayne,
Indiana, according to the plat thereof, recorded in Plat
Record 16, page 99 in the Office of the Recorder of Allen
County, Indiana.

ALSO:

Lots 9 and 10, Beerman's Second Addition to the City of Fort
Wayne, Indiana, according to the plat thereof, recorded in
Plat Record 16, page 148 in the office of the Recorder
of Allen County, Indiana.

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Councilman

APPROVED AS TO FORM
AND LEGALITY.


CITY ATTORNEY

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11 hereby designated a B1B district under the terms of Chapter 36,
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13 amended by General Ordinance No. 2836 and amendments thereof,
14 and the symbols of the City of Fort Wayne Map No. JJ2 referred
15 to therein, established by Section 9, Article III of said
16 Chapter as amended are hereby changed accordingly, to-wit:

Lots 6, 7 and 8, Beerman's Addition to the
City of Fort Wayne, Indiana, according to
the plat thereof, recorded in Plat Record
16, page 99 in the Office of the Recorder
of Allen County, Indiana

ALSO

Lots 9 and 10, Beerman's Second Addition to
the City of Fort Wayne, Indiana, according
to the plat thereof, recorded in Plat Record
16, page 148 in the office of the Recorder of
Allen County, Indiana.

SECTION 2. This Ordinance shall be in full force and
effect from and after its passage and approval by the Mayor and
legal publication thereof.

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Councilman

APPROVED AS TO FORM
AND LEGALITY.


CITY ATTORNEY

Read the first time in full and on motion by Nuckols, seconded by Hanza, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: Nov. 13, 1973

Charles W. Tettemore
CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage.
Passed (LOST) by the following vote:

	AYES _____	NAYS _____	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	_____	_____	_____	_____	
HINGA	_____	_____	_____	_____	
KRAUS	_____	_____	_____	_____	
MOSES	_____	_____	_____	_____	
NUCKOLS	_____	_____	_____	_____	
SCHMIDT, D.	_____	_____	_____	_____	
SCHMIDT, V.	_____	_____	_____	_____	
STIER	_____	_____	_____	_____	
TALARICO	_____	_____	_____	_____	

DATE: _____

CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. _____ on the _____ day of _____, 197____.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 197____, at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 13, 1973, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-73-11-34; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 21, 1974; and,

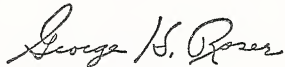
WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission by the attorney representing the petitioner;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request of the attorney representing the petitioner;

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 25, 1974.

Certified and signed this
1st day of April, 1974.



George H. Roser
Secretary

Bill No. Z-73-11-34

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
Amending the City of Fort Wayne Zoning Map No. JJ2.

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance ~~be~~ be withdrew PASS.

John Nuckols - Chairman

Vivian G. Schmidt - Vice-Chairman

William T. Hinga

Paul M. Burns

Donald J. Schmidt

John Nuckols
Vivian G. Schmidt
William T. Hinga
Paul M. Burns
Donald J. Schmidt

DATE 4-4-74 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

No 229

GENERAL FUND

FT. WAYNE, IND. Oct 12 1923

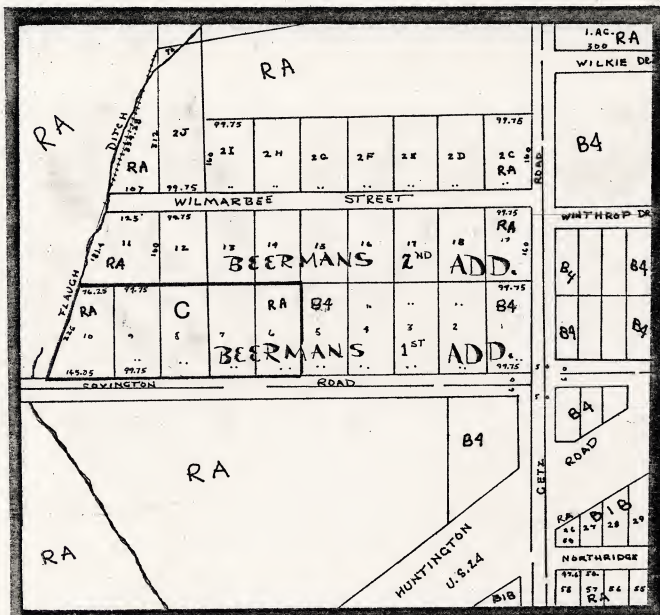
RECEIVED FROM Hoffman, Moppert, Solomon, Miller Thompson \$ 50.00

THE SUM OF Fifty ~~100~~ DOLLARS

ON ACCOUNT OF Balance from RA - B1B
Lts 6, 7, 8, 9, 10 Beerman's Add

N. Hartman

AUTHORIZED SIGNATURE



C-CHANGE FROM RA TO BIB

2-73-11-34



TO: COMMON COUNCIL OF THE _____ Date Filed _____

CITY OF FORT WAYNE, INDIANA

Intended Use _____

I/We the undersigned, _____

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an RA District to a/an B 1 B District the property described as follows:

Lots 6, 7 and 8, Beerman's Addition to the City of Fort Wayne, Indiana, according to the plat thereof, recorded in Plat Record 16, page 99 in the Office of the

Recorder of Allen County, Indiana

ALSO: Lots 9 and 10, Beerman's Second Addition to the City of Fort Wayne, Indiana, according to the plat thereof, recorded in Plat Record 16, page 148 in the office of the Recorder of Allen County, Indiana.

Aker (Lot 6 - acquired 12/8/64 recorded 12/9/64 - Deed Record 646, p. 347)

Bresler (Lot 7 - acquired 11/28/45, recorded 11/30/45 - Deed Record 386, p. 54)

Brown (Lot 8 - acquired 6/19/53, recorded 6/23/53 - Deed Record 468, p. 183)

White (Lots 9 and 10 - acquired 1/15/70, recorded 1/16/70 - Deed Rec. 70, p. 975)

(Legal Description)

Various B 1 B uses, as authorized by the City of Fort Wayne Zoning Ordinance, which will be specifically identified at the time of the public hearing, together with renderings, in most instances.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Ronald D. Aker</u>	<u>6226 Covington Road</u>	<u>Ronald D. Aker</u>
<u>Judith A. Aker</u>	<u>6226 Covington Road</u>	<u>Judith A. Aker</u>
<u>Lawrence J. Bresler</u>	<u>6304 Covington Road</u>	<u>Lawrence J. Bresler</u>
<u>Esther A. Bresler</u>	<u>6304 Covington Road</u>	<u>Esther A. Bresler</u>
(Name)	(Address)	(Signature)

<u>Walter L. Brown</u>	<u>6316 Covington Road</u>	<u>Walter L. Brown</u>
<u>Gladys L. Brown</u>	<u>6316 Covington Road</u>	<u>Gladys L. Brown</u>
<u>Dennis L. White</u>	<u>6318 Covington Road</u>	<u>Dennis L. White</u>
<u>Jeanne L. White</u>	<u>6318 Covington Road</u>	<u>Jeanne L. White</u>

mission's vote on the ordinance.

Name and address of preparer, attorney or agent:
Hoffman, Moppert, Solomon, Miller & Thompson
(James R. Solomon) 1212 Anthony Wayne Bank
 (Name) (Address)

Fort Wayne, Indiana 46802

423-3331

(Telephone Number)

City Plan Commission, City-County Building, Room 800, One Main Street,
 Fort Wayne, Indiana 46802 Telephone Number 423-7571

TO: COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA

Date Filed _____

Intended Use _____

I/We the undersigned.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an RA District to a/an B 1 B District the property described as follows:

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White (Lots 9 and 10 - acquired 1/15/70, recorded 1/16/70 - Deed Rec. 70, p. 975)

(Legal Description)

Various B 1 B uses, as authorized by the City of Fort Wayne Zoning Ordinance, which will be specifically identified at the time of the public hearing, together

Legal Description Checked By: _____

(City Engineer)

NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Hoffman, Moppert, Solomon, Miller & Thompson
(James R. Solomon)

1212 Anthony Wayne Bank

423-3331

(Name)

(Address)

(Telephone Number)

Fort Wayne, Indiana 46802

City Plan Commission, City-County Building, Room 800, One Main Street,
Fort Wayne, Indiana 46802 Telephone Number 423-7571

To: City Plan Commission

From: Common Council of the City of Fort Wayne, Indiana

Regarding: BILL NO. Z-73-11-34 - AMENDMENT TO BILL NO. Z-73-11-34

It being shown by letter from Petitioner's Attorney that certain clerical errors existed in said Bill as originally proposed and Petitioner requesting changes as now shown in Amended Bill No. Z-73-11-34, the Common Council of the City of Fort Wayne does now for then at the time of its original action refer said Amended Bill No. Z-73-11-34 to the City Plan Commission of the City of Fort Wayne for further action in accordance with law.

Samuel J. Talarico
Council President

Approved as to form
and legality

City Council Attorney

HOFFMAN, MOPPERT, SOLOMON, MILLER & THOMPSON

ATTORNEYS AT LAW

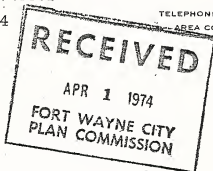
JOHN E. HOFFMAN
EDWARD J. MOPPERT
JAMES R. SOLOMON
LARRY T. MILLER
ROBERT L. THOMPSON
ROBERT J. SCHMOLL, JR.

SUITE 1212 ANTHONY WAYNE BANK BUILDING
FORT WAYNE, INDIANA 46802

JOHN C. HOFFMAN (1960)

TELEPHONE 423-3331
AREA CODE 219

March 28, 1974



Mr. Gary Baeten
Land Use Administrator
Fort Wayne City Plan Commission
City-County Building
Fort Wayne, Indiana

RE: Bill No. Z-73-11-34
Lots 6, 7 and 8 Beerman's Addition
and Lots 9 and 10, Beerman's Second
Addition - RA to B1B or B4 -
Covington Road 55 feet West of Getz Road
Intersection

Dear Gary:

As you know, by communication on January 30, 1974, the above-captioned bill received a "do pass" recommendation, subject to satisfaction of four (4) conditions.

As you also know, we were granted the courtesy of being placed on the executive agenda, as a result of our request on March 25, 1974, to request the removal of the fourth condition, because of the fact that it rendered the potential development, in essence, an economic impossibility.

We were unsuccessful in getting the necessary six (6) votes, and our request to remove the fourth condition failed by virtue of a 5-4 vote. Were this matter to be retained under City jurisdiction, we would proceed further, and not withdraw our petition, but because the City loses jurisdiction on April 29th, we are electing, without prejudice, to withdraw our petition and to proceed with the County.

Would you be kind enough to consider this request, on behalf of my clients, the petitioners, as a formal request to withdraw the petition, which received a favorable recommendation, subject to the satisfaction of four (4) conditions.

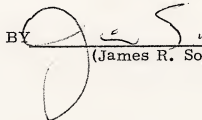
Mr. Gary Baeten
March 28, 1974

Page 2

Thank you very much for permitting us to make our written presentation prior to March 25th, and for permitting our verbal presentation at the March 25th executive session.

Very truly yours,

HOFFMAN, MOPPERT, SOLOMON,
MILLER & THOMPSON

BY  _____
(James R. Solomon)

JRS/kaz
cc

Joe Goldstine & Son
303 Strauss Building
Fort Wayne, Indiana 46802
Attn: Mr. Steve Wesner, Agent

Mr. and Mrs. Ronald D. Aker
6226 Covington Road
Fort Wayne, Indiana 46804

Mr. and Mrs. Lawrence J. Besler
6304 Covington Road
Fort Wayne, Indiana 46804

Mr. and Mrs. Walter L. Brown
6316 Covington Road
Fort Wayne, Indiana 46804

Mr. and Mrs. Dennis L. White
6318 Covington Road
Fort Wayne, Indiana 46804

Schlatter Wholesale Hardware, Inc.
5310 Merchandise Drive
Fort Wayne, Indiana
Attn: Mr. John Williamson

Roth Wehrly, Heiny, Inc.
203 East Berry Street
Fort Wayne, Indiana

Sebastian Diettrich
5810 Easthills Drive

Number assigned by Dave Keller's Office: # 3259

DIGEST SHEETTITLE OF ORDINANCE Zoning Map Amendment Ordinance3-73-11-34DEPARTMENT REQUESTING ORDINANCE City Plan CommissionSYNOPSIS OF ORDINANCE Preparation of a Zoning Map Amendment Ordinance

Petition initiated by property owners to rezone property located as follows:

Lots 6, 7 and 8, Beerman's Addition at the City of Fort Wayne, Indiana,
according to the plat thereof, recorded in Plat Record 16, page 99 in the Office
of the Record of Allen County, Indiana, ALSO: Lots 9 and 10, Beerman's Second
Addition to the City of Fort Wayne, Indiana, according to the plat thereof,
recorded in Plat Record 16, page 148 in the office of the Recorder of Allen
County, Indiana, generally located on the north side of Covington Road, east
of the Flaugh Ditch, and five (5) lots west of the Getz Road.

EFFECT OF PASSAGE Property is presently zoned "RA" - Suburban Residential.

Petitioners requesting a "BIB" zoning change which is Limited Business.

EFFECT OF NON-PASSAGE Property would remain suburban residential.MONEY INVOLVED (Direct Costs, Expenditures, Savings) none

ASSIGNED TO COMMITTEE (J.N.)

Reg - WCH